

# In the Court of Appeals of the State of Alaska

**David Haeg,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-13501**

## **Order**

Date of Order: **12/3/2019**

Trial Court Case No. **3KN-10-01295CI, 4MC-04-00024CR**

The State recently requested clarification on which rules apply to this appeal — that is, whether it is an Appellate Rule 217 appeal from the district court, or whether it is an Appellate Rule 204 appeal from the superior court. This Court issued a notice that the case is an Appellate Rule 217 appeal. The Appellant, David Haeg, now requests reconsideration of that decision.

Additionally, soon after this Court provided the clarification the State requested, the State filed a motion to strike Mr. Haeg's brief, in part because the brief exceeded the page limitations allowed for a brief under Rule 217. The State also requested in the alternative that the Court stay the briefing schedule until Mr. Haeg's opening brief is accepted. Mr. Haeg filed an opposition to the State's motion and, among other things, pointed out that self-represented litigants should not be held to the same standards as an attorney.

Appellate Rule 217 applies to proceedings in this Court from judgments of the district court. This case is an Appellate Rule 217 appeal because the original judgment of Mr. Haeg's convictions was entered in the district court. Consequently, although most of the post-conviction litigation in this case was presided over by superior

court judges, those judges were sitting in the district court, and the judgments entered during that litigation are judgments of the district court. Therefore, Mr. Haeg's motion for reconsideration is **DENIED**.

As for the State's motion to strike Mr. Haeg's opening brief, that motion is also **DENIED**. Mr. Haeg's opening brief is accepted today. The State's alternative request that the Court stay the briefing schedule until the Court accepts Mr. Haeg's opening brief is **GRANTED**. The State's brief is now due on or before **December 23, 2019**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

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Sarah Anderson, Deputy Clerk

**Distribution:**

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